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EXAMINER
FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/029,326	HAMEL, GREGORY ROGER
	Examiner	Art Unit	
	Andrew C. Flanders	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11 October 2005 have been fully considered but they are not persuasive.

Applicant Alleges:

"Applicant respectfully submits that the Janik reference does not disclose a personal computer bus for transmitting data from the storage medium to the data expander and the audio output and from the storage medium to the network interface."

Examiner respectfully disagrees with this allegation. To support this allegation, Applicant submits that a personal computer bus is a term defined as follows: a PC bus is the common pathway between the CPU and peripheral devices and gives several examples, such as a PCI bus." Even if this were the only interpretation of the term personal computer bus, which the Examiner does not necessarily agree, the Janik reference would still read upon this in multiple ways. First, the interconnections on the printed circuit board are in fact a common pathway between the CPU and peripheral devices. In Janik the microprocessor (CPU) is connected to the hard drive over a common pathway, see Fig. 3. Thus reading the definition supplied by Applicant as broadly as possible, these interconnections would read upon the term in question of a personal computer bus. While there are many various examples of different busses (the one supplied by Applicant being the PCI bus), the connections of Janik still read on

the broadest interpretation of the term as they are essentially a common pathway

between the CPU and the peripheral device (i.e. the microprocessor and the hard

drive). Also see for further reference the Microsoft Computer Press Dictionary definition

of Bus in which it states: "A set of hardware lines (conductors) used for data transfer

among the componets of a computer system..."

Furthermore, Janik does include a Personal Computer bus as narrowly defined

by Applicant. The hard drive in Fig. 3 is connected through a host controller (element

106) to the microprocessor. A host controller as defined by the Microsoft Computer

Press Dictionary is "A device for connecting a peripheral to the main computer, also

called" Janik discloses "A flexible ribbon cable (not shown) electrically connects hard

disk drive 112 to the computer sub-system." (paragraph 56). It is notoriously well known

in the art that parallel interconnections are connected via a ribbon cable. For example

see the attached definition of ribbon cable in the Microsoft Computer Dictionary in which

it defines a ribbon cable as "a flat cable containing up to 100 parallel wires for data and

control lines. For example, ribbon cables are used inside a computer's case to connect

disk drives to their controllers". Thus contrary to Applicant's arguments, Janik does in

fact disclose a Personal Computer Bus.

Applicant further alleges:

> "The Applicant also directs the Examiner's attention to new
> dependent claims 23-25. These claims recite that a central processing unit
> is also connected to the personal computer bus in parallel with the data
> expander, that the data expander is directly connected to both the storage
> medium and the personal computer bus, and that the personal computer
> bus is a parallel bus connected to me storage medium, the data expander,

the audio output and the network interface. It is respectfully submitted that these features are also not disclosed in the cited references."

These arguments are moot for the same reasons as stated above. As shown, Janik's microprocessor (data expander) is directly connected to the storage medium (hard drive) via the host control through a ribbon cable (i.e. connected via a parallel personal computer data bus)

Applicant further alleges:

"In addition to the forgoing, the Applicant notes that the Dwyer reference discloses a digital portable recorder 10 which is connected to a PC 16 by way of a simple cable 15, as describe in column 3 of the reference. As shown in FIG. 4, the PC 16 may be connected to a network 24, however the recorder 10 itself does not become connected to me network. Thus. the Dwyer reference does rot disclose transfer of files from device 10 over the network 24, unlike the present claims. Since the Dwyer reference does not even suggest the device 10 can be connected lo the network 24, It seems a direct cable connection is preferred."

Examiner respectfully disagrees with this allegation. It is the belief of the examiner that the Applicant is defining the term "network" too narrowly. Again referring to the Microsoft Press Computer Dictionary, a network is defined as a group of computers and associated devices that are connected by communication facilities. A network can involve permanent connections such as cables or temporary connections made through telephone or other communication links. Thus simple cable connection of the digital portable recorder to the PC does read upon the transfer of files from device to the over the network (the network in this case being the simple cable connection as stated by Applicant) to the personal computer.

Applicant further alleges:

> The Applicant also directs the Examiner's attention to dependent claims 21 and 22. which recite that the apparatus functions as a sever on the network. Support for this feature can be found at paragraph 22 of the specification which notes that the central connection design allows the apparatus to efficiently function as a server on the network It is respectfully submitted that these features are also not disclosed in the cited references.

Examiner respectfully disagrees with this allegation. As shown above, the Dwyer portable device and the PC are connected via a network. Applicant is now alleging that the portable device functioning as a server is not present in the cited art. It is believed by the Examiner that Applicant is again reading the term server too narrowly. Referring to the Microsoft Press Computer Dictionary, one possible definition of a server is "On the internet or other network, a computer or program that responds to commands from a client. For example, a file server may contain an archive of data or program files; when a client submits a request for a file; the server transfers a copy of the file to the client." Again, the portable device is networked to the PC as shown above in the Dwyer reference, and as shown in the previous rejection, the portable device is adapted to transfer digital audio files from portable recorders such as PC's (col. 1 lines 39 – 57). Thus as the Dwyer device is adapted to transfer files over the networked devices, it is operating as a server as defined by Microsoft.

Applicant further alleges:

> "With regard to independent claim 15, the claim recites a network
> protocol adapted to allow other members of said network to access the
> storage medium when said apparatus is operating as an addressable
> member of a computer network, said apparatus functioning as a server on
> the network."

Examiner respectfully disagrees with this allegation. As shown in the prior

rejection, Janik discloses using the TCP/IP stander to connect via the wireless LAN

access point. Going by the definition of a server defined in the Microsoft Press

Dictionary as stated above, the Janik device is a computer on a network that receives

commands from the client. Thus contrary to Applicant's allegation, the Janik reference

does disclose the apparatus functioning as a server on a network.

Applicant further alleges:

> "As noted above, the Dwyer reference simply discloses connection
> of a portable device 10 to a PC 16 through a direct cable connection 15
> (column 10 of the Dwyer reference discloses other direct data connections
> such as RF line or infra red data communication (column 10, lines 55+))
> but does not disclose connection of the device 10 to the network 24 and
> therefore excludes any such connection. Accordingly. the Dwyer reference
> does not disclose that the apparatus functions as a server on a computer
> network, and the office Action has admitted that the Janik reference does
> not even disclose that the network interface is adapted to facilitate transfer
> of files from the storage means to an external storage device."

Examiner respectfully disagrees with this allegation. As a first matter, the

Dwyer refernce is not relied upon for the rejection of Claim 15, and thus the arguments

regarding the matter disclosed in the reference are moot. Further, as shown above

Janik does disclose that the apparatus functions as a server on a computer network.

Thus the Dwyer reference is not necessary for an obvious type rejection.

Further, in response to applicant's argument that the references fail to show

certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., the network interface is adapted to facilitate transfer of files from

the storage means to an external storage device) are not recited in the rejected claim

15. Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

The arguments regarding claim 26 are moot for the same reasons stated above

regarding the arguments for claims 1 and 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 3, 8 – 11 and 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Janik (U.S. Patent Application Publication 2002/0164973) in view of

Dwyer (U.S. Patent 6,671,567).

Regarding **Claims 1 and 11**, Janik discloses:

An audio storage and reproducing apparatus (title), comprising:

a storage medium for storing one or more encoded audio data files (i.e. a hard disk drive containing digital audio files; Fig. 1 element 234);

a data expander coupled to the storage medium for decoding the one or more encoded audio files (a microprocessor coupled to the hard drive to decode the digital audio files; Fig. 3 element 82; the microprocessor including an operating system which decodes digital audio files via the CODEC; paragraphs 100 and 105);

an audio output adapted to produce audio corresponding to an encoded audio file that has been decoded by the data expander (i.e. an audio signal output line; Fig. 3 element 286);

a personal computer network interface (Fig. 1 element 114)

.a personal computer bus for transmitting data from the storage medium to the data expander and the audio output (i.e. the electronic components and sub-systems of the storage and data link unit 14 are functionally connected via a printed circuit board 118; paragraph 50)

Janik does not explicitly disclose that the personal computer network interface is adapted to facilitate the transfer of encoded audio files to an external storage device on a network or that the personal computer bus is adapted for transmitting data from the storage medium to the network interface.

However, it is notoriously well known in the art to transfer audio files from one storage unit to another via a computer network. For instance, Dwyer teaches of a

portable digital audio recorder adapted to transfer digital audio files from portable

recorders to other devices such as PC's (col. 1 lines 39 – 57). It would have been

obvious to use Dwyer's teachings to modify Janik's device to enable it to send audio

files back to the system. One would have been motivated to do so to prevent accidental

information loss. Dwyer's system automatically updates the database in the automotive

module (paragraph 108). If a user accidentally deleted a music file from the base PC

system (18) but had already transferred it to the remote device, it would be desirable to

be able to restore it to the PC via the automatic database updating. The user would just

indicate to the PC not to delete audio files from the remote location that had been

accidentally deleted prior to synchronization.

Regarding **Claim 2**, in addition to the elements stated above regarding claim 1,

the combination of Janik in view of Dwyer discloses wherein the storage medium

comprises a hard disk drive (Fig 1 element 234 in Janik).

Regarding **Claim 3**, in addition to the elements stated above regarding claim 1,

the combination of Janik in view of Dwyer discloses wherein the storage medium

comprises a flash memory device (i.e. the mass storage memory can include flash

memory; paragraph 133 in Janik).

Regarding **Claims 8 and 14**, in addition to the elements stated above regarding

claims 1 and 11, the combination of Janik in view of Dwyer further discloses wherein the

audio output is adapted to be coupled to an audio input of a vehicle system (i.e. the terminal is adapted to plug directly into the line level inputs in a car stereo; paragraph 59 in Janik).

Regarding **Claim 9**, in addition to the elements stated above regarding claim 1, the combination of Janik in view of Dwyer further discloses a personal computer network interface (i.e. a wireless LAN interface; Fig. 1 element 114).

The combination does not disclose that the network interface includes an Ethernet port. However, the examiner takes official notice that Ethernet ports are notoriously well known in the art for networking computer components together. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an Ethernet port as a substitute for the wireless LAN disclosed in the combination. One would have been motivated to do so in order to prevent unauthorized access of the data stored on the computer system. Unauthorized users in remote locations could access wireless LANs. A hard-wired system such as one including an Ethernet port would prevent this and thus be desirable.

Regarding **Claim 10**, in addition to the elements stated above regarding claim 1, the combination of Janik in view of Dwyer further discloses one or more fasteners adapted to cooperate with structural members of a vehicle audio system to allow rapid connection and disconnection of said apparatus to the vehicle audio system (i.e. the

storage and data link may be locked onto the vehicle dock using two attachment

latches; paragraph 52).

Regarding **Claims 21 and 22**, in addition to the elements stated above regarding

claims 1 and 11, the combination of Janik in view of Dwyer further discloses:

wherein said apparatus functions as a server on the network (i.e. a portable

digital audio recorder adapted to transfer digital audio files from portable recorders to

other devices such as PC's; col. 1 lines 39 – 57 in Dwyer).

Regarding **Claim 23**, in addition to the elements stated above regarding claim 1,

the combination of Janik in view of Dwyer further discloses:

wherein the personal computer bus is a parallel bus connected to the storage

medium, the data expander the audio output, and the network interface (i.e. The hard

drive in Fig. 3 is connected through a host controller (element 106) to the

microprocessor. A host controller as defined by the Microsoft Computer Press

Dictionary is "A device for connecting a peripheral to the main computer, also called"

Janik discloses "A flexible ribbon cable (not shown) electrically connects hard disk drive

112 to the computer sub-system." (paragraph 56). It is notoriously well known in the art

that parallel interconnections are connected via a ribbon cable. For example see the

attached definition of ribbon cable in the Microsoft Computer Dictionary in which it

defines a ribbon cable as "a flat cable containing up to 100 parallel wires for data and

control lines. For example, ribbon cables are used inside a computer's case to connect

disk drives to their controllers; further, the WLAN is connected to the microprocessor

through the PC Card host controller; all of the above are in Dwyer).

Regarding **Claim 24**, in addition to the elements stated above regarding claim 1,

the combination of Janik in view of Dwyer fails to explicitly disclose:

a central processing unit connected to the personal computer bus in parallel with

the data expander.

Janik discloses the central processing unit and the data expander in one device

(element 82). However, it has been held that making two elements separable does not

patentably distinguish a claim from the prior art unless it produces a new or unexpected

result. Thus separating the microprocessor to operating as the central processing unit

and another device acting as the data expander is an obvious variation. See In re

Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961). It would be desirable

to make these devices separable in order to reduce the amount of work done by the

microprocessor thereby allowing it to control the other devices more efficiently.

Regarding **Claim 25**, in addition to the elements stated above regarding claim 1,

the combination of Janik in view of Dwyer further discloses:

Wherein the data expander is directly connected to both the storage medium and

the personal computer bus (i.e. the microprocessor is connected to the hard drive via

the host control and a ribbon cable; Fig. 3 in Janik).

Regarding **Claim 26**, in addition to the elements stated above regarding claim 15, the combination of Janik in view of Dwyer further discloses:a personal computer bus for transmitting data from the storage medium to the data expander and the audio output (i.e. the microprocessor is connected to the hard drive via the host control and a ribbon cable; Fig. 3 in Janik) and from the storage medium to the network interface (i.e. a portable digital audio recorder adapted to transfer digital audio files from portable recorders to other devices such as PC's; col. 1 lines 39 – 57 in Dwyer).

Claims 4 – 7, 12 – 13 and 15 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik (U.S. Patent Application Publication 2002/0164973) in view of Dwyer (U.S. Patent 6,671,567) and in further view of PC Works (Cambridge Sound Works amplified speaker system manual)

Regarding **Claims 4 and 12**, in addition to the elements stated above regarding claims 1 and 11, the combination of Janik in view of Dwyer discloses an audio output (i.e. the audio output can be line level outputs; paragraph 59).

The combination fails to disclose wherein the audio output includes one or more speakers.

PC Works discloses:

one or more speakers (the speakers on page 13 and the entire document).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply the combination of Janik and Dwyer's line outputs to the speakers to

the line input of PC Works powered speakers (the speakers accept a line out from a

computer system; Page 4 of PC Works). One would have been motivated to do so to

further allow the combination to be used in a home allowing users access to the same

play lists without requiring full use of the computer system (paragraph 14 in Janik).

Regarding **Claims 5 and 13**, in addition to the elements stated above regarding

claims 4 and 12, the combination of Janik in view of Dwyer in further view of PC Works

further discloses an amplifier to process an encoded audio data file that has been

decoded by the data expander for transmission through the audio output (i.e. an

amplifier for amplifying the speakers; PC Works page 13).

Regarding **Claim 6**, in addition to the elements stated above regarding claim 4,

the combination of Janik in view of Dwyer in further view of PC Works further discloses

wherein the one or more speakers can be selectively detached from said apparatus (i.e.

it is inherent that detaching the line input selectively detaches the speakers; PC Works

page 13).

Regarding **Claim 7**, in addition to the elements stated above regarding claim 6,

the combination of Janik in view of Dwyer in further view of PC Works further discloses

wherein the audio output further includes a terminal that is exposed upon detachment of

the one or more speakers that is adapted to be coupled to an audio input of a vehicle audio system (i.e. it is inherent that when Janik's line outputs are detached from PC Works speakers, there is a terminal exposed and this terminal is adapted to plug directly into the line level inputs in a car stereo; paragraph 59 in Janik).

Regarding **Claim 15**, Janik discloses:

An audio storage and reproducing apparatus capable of selective operation as an addressable member of a computer network and an in vehicle audio player (abstract) said apparatus comprising:

a storage medium for storing one or more encoded audio data files a storage medium for storing one or more encoded audio data files (i.e. a hard disk drive containing digital audio files; Fig. 1 element 234);

a data expander coupled to the storage medium for decoding the one or more encoded audio data files (a microprocessor coupled to the hard drive to decode the digital audio files; Fig. 3 element 82; the microprocessor including an operating system which decodes digital audio files via the CODEC; paragraphs 100 and 105);

an input key operable connected to the data expander (i.e. controls connected to the microprocessor via connection 290 in Fig. 3);

an audio output adapted to produce audio corresponding to an encoded audio data file that has been decoded by the data expander (i.e. an audio signal output line; Fig. 3 element 286);

a network protocol adapted to allow other members of said network to access the storage medium when said apparatus is operating as an addressable member of a computer network, said apparatus functioning as a server on the computer network (i.e. using the TCP/IP standard to connect via the wireless LAN access point; paragraph 49);

a network interface adapted to operable connect said apparatus to said network (i.e. the wireless LAN connection in Fig.1 element 114); and

one or more fasteners adapted to cooperate with structural members of a vehicle audio system to allow rapid connection and disconnection of said apparatus to the vehicle operating system (i.e. the storage and data link may be locked onto the vehicle dock using two attachment latches; paragraph 52).

Janik does not disclose the player as a stand alone player.

PC Works discloses amplified speakers with a line input (page 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to connect PC Works speakers to Janik's player thereby making it a stand alone unit. One would have been motivated to do so to play the music stored on Janik's player in a remote location away from the vehicle and main computer, i.e. a vacation house or friend's house.

Regarding **Claim 16**, in addition to the elements stated above regarding claim 15, the combination of Janik in view of PC Works further discloses wherein the storage medium comprises a hard disk drive (i.e. a hard disk drive containing digital audio files; Fig. 1 element 234 in Janik).

Regarding **Claim 17**, in addition to the elements stated above regarding claim 15, the combination of Janik in view of PC Works further discloses wherein the storage medium comprises a flash memory device (i.e. the mass storage memory can include flash memory; paragraph 133 in Janik).

Regarding **Claim 18**, in addition to the elements stated above regarding claim 15, the combination of Janik in view of PC Works further discloses:

an audio output (i.e. the audio output can be line level outputs; paragraph 59 in Janik);

one or more speakers (i.e. the speakers in PC Works on page 17 can be attached to Janik's line level outputs via the line in input);

and a connector for coupling the audio output to an audio input of a vehicle audio system (i.e. the terminal is adapted to plug directly into the line level inputs in a car stereo; paragraph 59 in Janik).

The combination fails to explicitly disclose a headphone jack. However, Examiner takes official notice that it is notoriously well known in the art to substitute headphones in place of speakers when reproducing audio. One would have been motivated to do so in order to prevent others from hearing the playback and thereby not disturbing them.

Regarding **Claim 19**, in addition to the elements stated above regarding claim 18, the combination of Janik in view of PC Works further discloses:

wherein the one or more speakers can be selectively detached from said apparatus (i.e. it is inherent that detaching the line input selectively detaches the speakers; PC Works page 13).

Regarding **Claim 20**, in addition to the elements stated above regarding claim 18, the combination of Janik in view of PC Works further discloses:

a rechargeable power supply (i.e. a rechargeable batter; Fig. 3 element 122).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew C. Flanders whose telephone number is (571)

272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

acf

HUYEN LE
PRIMARY EXAMINER